

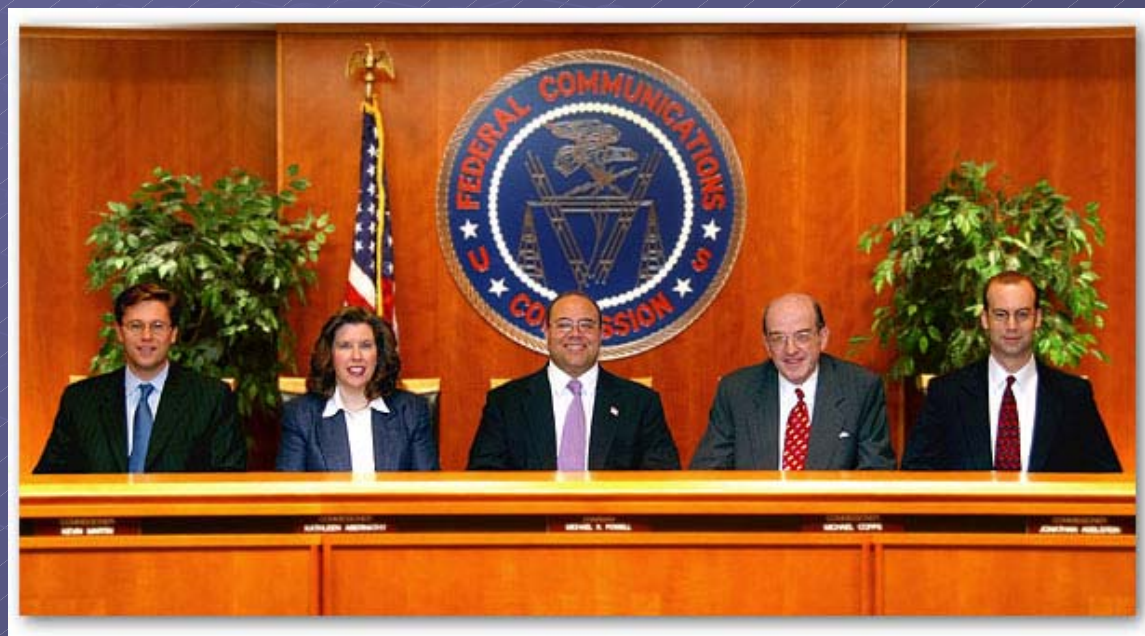
VRS and the FCC- More Than Alphabet Soup

Federal Communications Commission (FCC)

Basic Info

- Independent agency
- Created by the Communications Act of 1934
- Governed by 5 Commissioners
 - Appointed by President, confirmed by Senate
 - Serve 5 yr. terms
 - President designates one Commissioner as Chairperson
 - No more than 3 from one political party

Current Commissioners



**Kevin
Martin (R)**

**Kathleen
Abernathy (R)**

**Michael Powell,
Chairman (R)**

**Michael
Copps (D)**

**Jonathan
Adelstein (D)**

Function

● Regulates interstate and international communication by

- Radio
- Television
- Wire
- Satellite
- Cable



Telecommunications

“The term ‘telecommunications’ means the transmission, between or among points specified by the user of information of the user’s choosing, without change in the form or content of the information sent and received.” 47 USC §153 (43)

Disability Rights Office (DRO)

DRO

- Part of the Consumer & Governmental Affairs Bureau
- Develops rules and policies to help ensure telecommunications access
- Advises the FCC on disability issues

DRO Issues

- Telecommunications Relay Services (TRS) – “functional equivalency”
- Works with other bureaus/offices on
 - Closed captioning
 - Hearing aid compatibility
 - Section 255 (of the Communications Act)

TRS

(Telecommunications Relay Service)

Beginnings



- 1990 – ADA, Title IV mandated TRS
- 1990 – Section 225 added to Communications Act of 1934

“[T]elephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication...in a manner that is functionally equivalent to...voice communication services...” 47 USC § 225(a)(3)

- 1991 – FCC Report & Order requiring TRS
- 1993 – Nationwide TRS started

TRS and the FCC

- The FCC is charged with the responsibility of ensuring “that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States.” 47 USC § 225(b)(1)
- The FCC therefore requires common carriers providing voice services to also provide TRS in the areas they serve

TRS Principles

- TRS is to be “functionally equivalent” telephone service for people with hearing or speech disabilities
- Communications Assistants (CAs) intended to be “transparent conduits relaying conversations without censoring or monitoring functions.” *TRS I, ¶ 13*

Forms of TRS

● Traditional TRS

- TTY↔voice
- Voice Carry Over (VCO)
 - 2-line VCO, VCO↔TTY, VCO↔VCO
 - Captioned telephone
- Hearing Carry Over (HCO)
 - 2-line HCO, HCO↔TTY, HCO↔HCO

● Speech-to-Speech Relay

● Spanish Relay (other shared languages where demographics dictate)

● Internet Protocol (IP) Relay

● Video Relay Services (VRS)

Required TRS Services

- Traditional TRS (July 26, 1993)
 - Except for captioned telephone
- STS (Mar. 1, 2001)
- Spanish (interstate service: Mar. 1, 2001)
- 711 access (Oct. 1, 2001)

Non-mandatory TRS Services

- IP Relay
- VRS
- Intrastate Spanish/other shared languages
- Captioned Telephone

Federal Relay Service (FRS)

- NOT regulated by the FCC
- Established under PL 100-542, The Telecommunications Accessibility Act of 1988
- Monitored and funded by General Services Administration (GSA)
- Enables federal employees to conduct official duties & the public to conduct business with the federal government

Communications Assistant (CA)

- **Communications Assistant (CA)**

A person who transliterates or interprets conversation between two or more end users of TRS. CA supersedes the term "TDD operator." 47 CFR § 64.601(7)

TRS Confidentiality

- “CAs are prohibited from disclosing the content of any relayed conversation regardless of content, and with the limited exception for STS CAs, from keeping records of the content of any conversation beyond the duration of the call, even if to do so would be inconsistent with state or local law.” 47 CFR § 64.604(a)(2)(i)

Interstate TRS Fund

- All providers of interstate telephone service contribute (e.g., billing surcharge)
- Providers of traditional interstate TRS service, IP Relay, and VRS receive reimbursement based on minutes of service provided (conversation minutes)
- Current Fund administrator is NECA (National Exchange Carrier Association)
- FCC oversees the Fund

TRS Funding – Interstate

- Traditional interstate TRS
 - February 25, 1993 Order on Reconsideration
- VRS
 - March 6, 2000 Report & Order
- IP Relay
 - April 22, 2002 Declaratory Ruling
- Captioned Telephone
 - August 1, 2003 Declaratory Ruling

TRS Funding – Intrastate

- Intrastate TRS services

- Funded by the states

- Cost recovery method up to states (e.g., local phone bill surcharges, rate adjustments, or full funding from state)

Carrier Contribution Rate

July 1, 2004-June 30, 2005

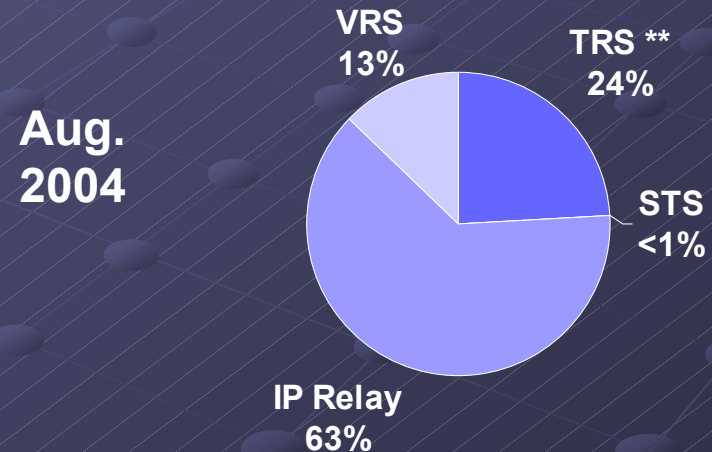
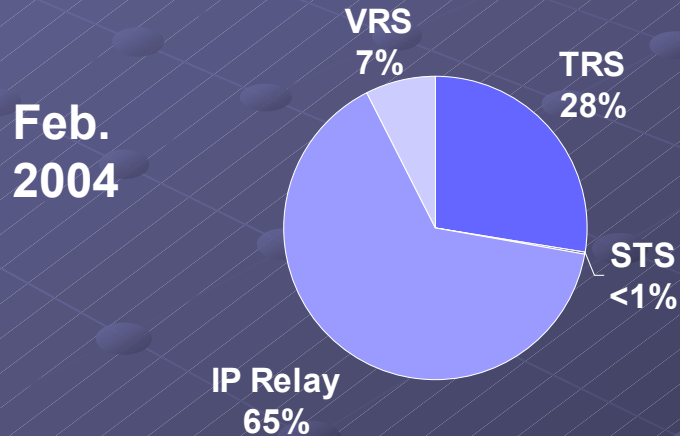
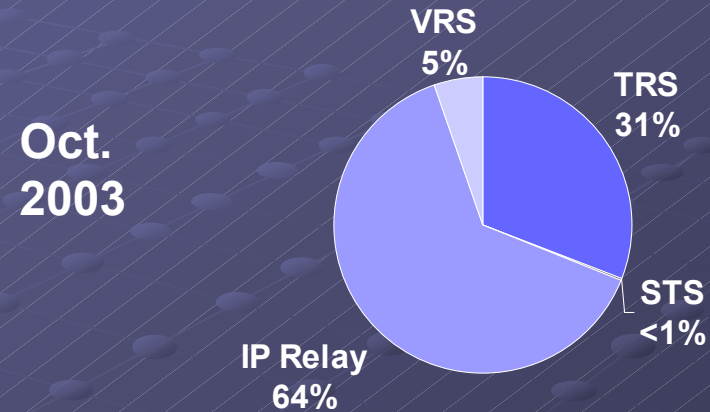
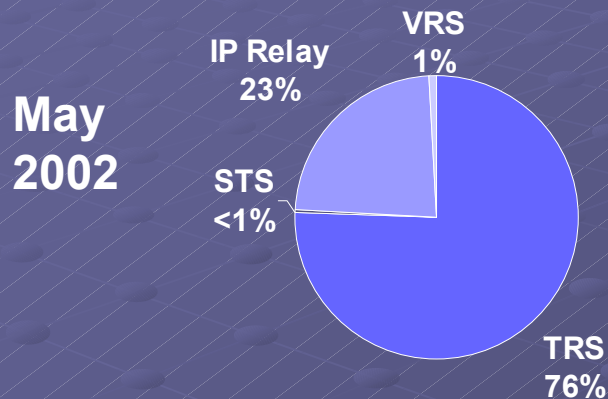
- Per June 30, 2004 Order
- Carrier Contribution Rate 0.00356
- Interstate TRS Fund Size \$289,352,701

Current Reimbursement Rates from TRS Fund (July 1, 2004 – June 30, 2005)

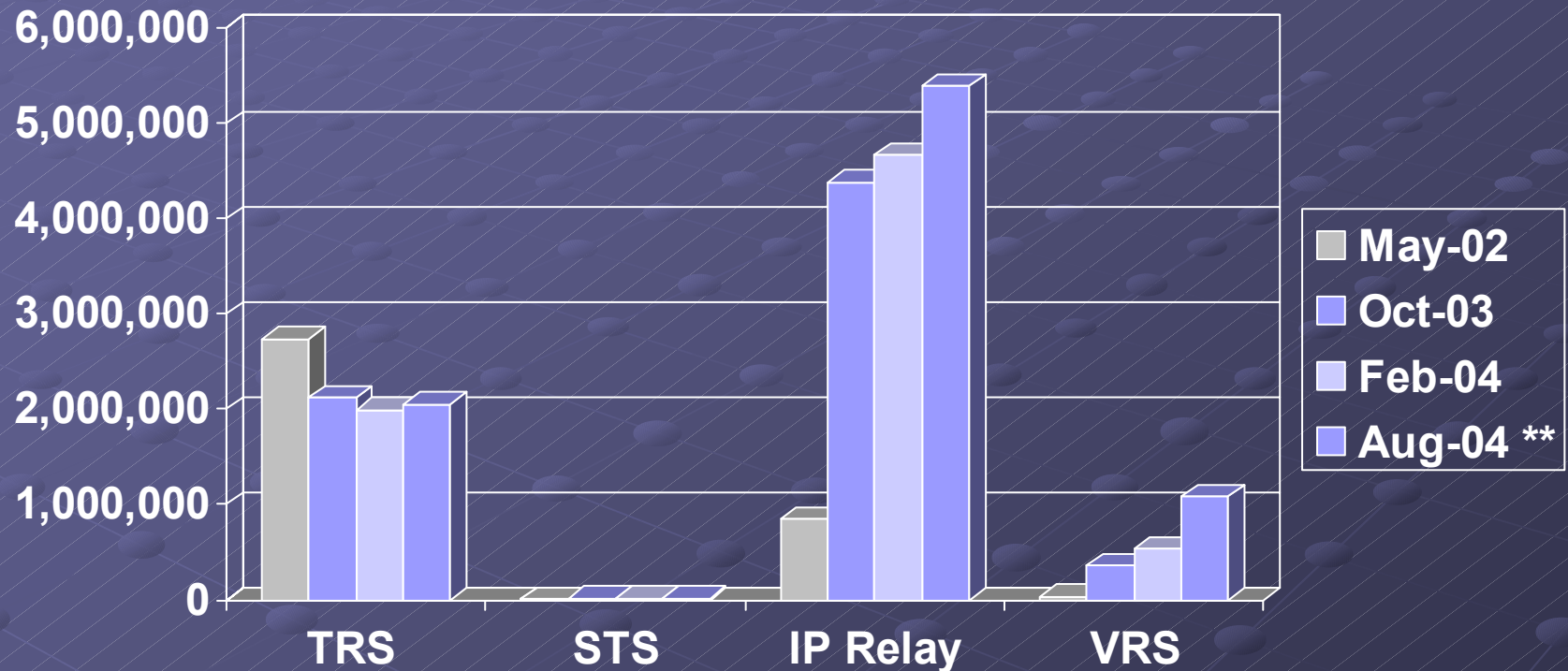
● Per-minute rates

- \$1.349 - traditional interstate TRS, Internet Protocol (IP) Relay, and interstate Captioned Telephone
- \$1.440 - interstate Speech-to-Speech Service (STS)
- \$7.293 - VRS

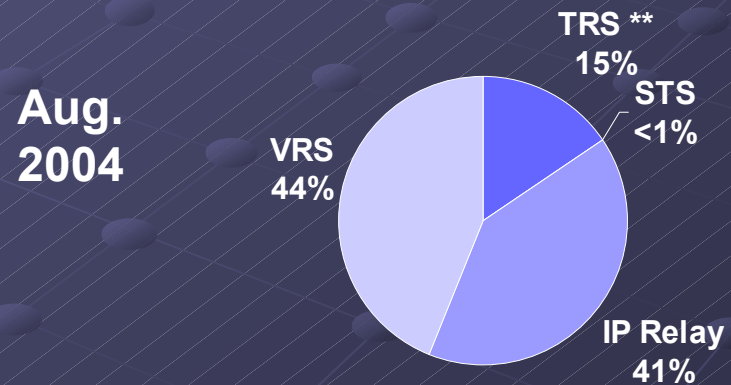
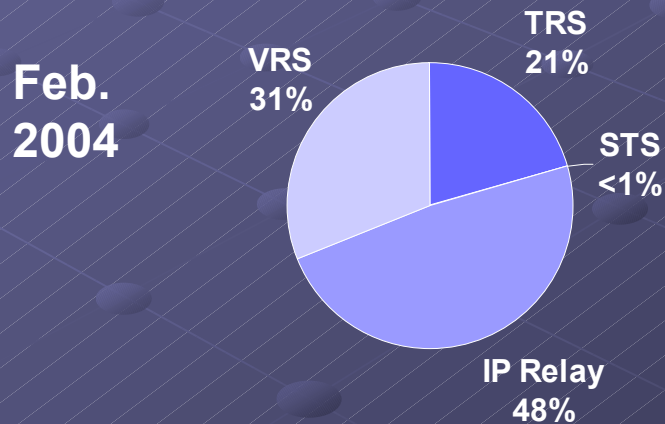
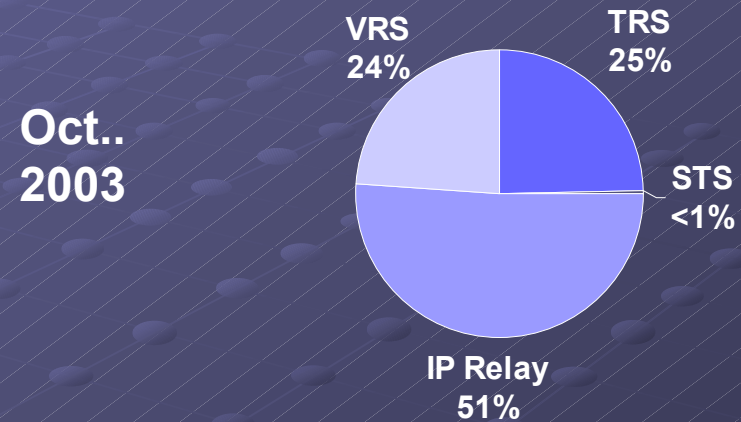
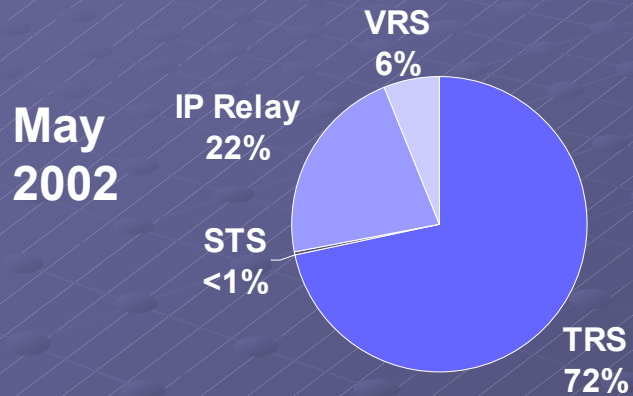
TRS Minutes Comparison



Minutes Reimbursed from Interstate TRS Fund by Service Provided

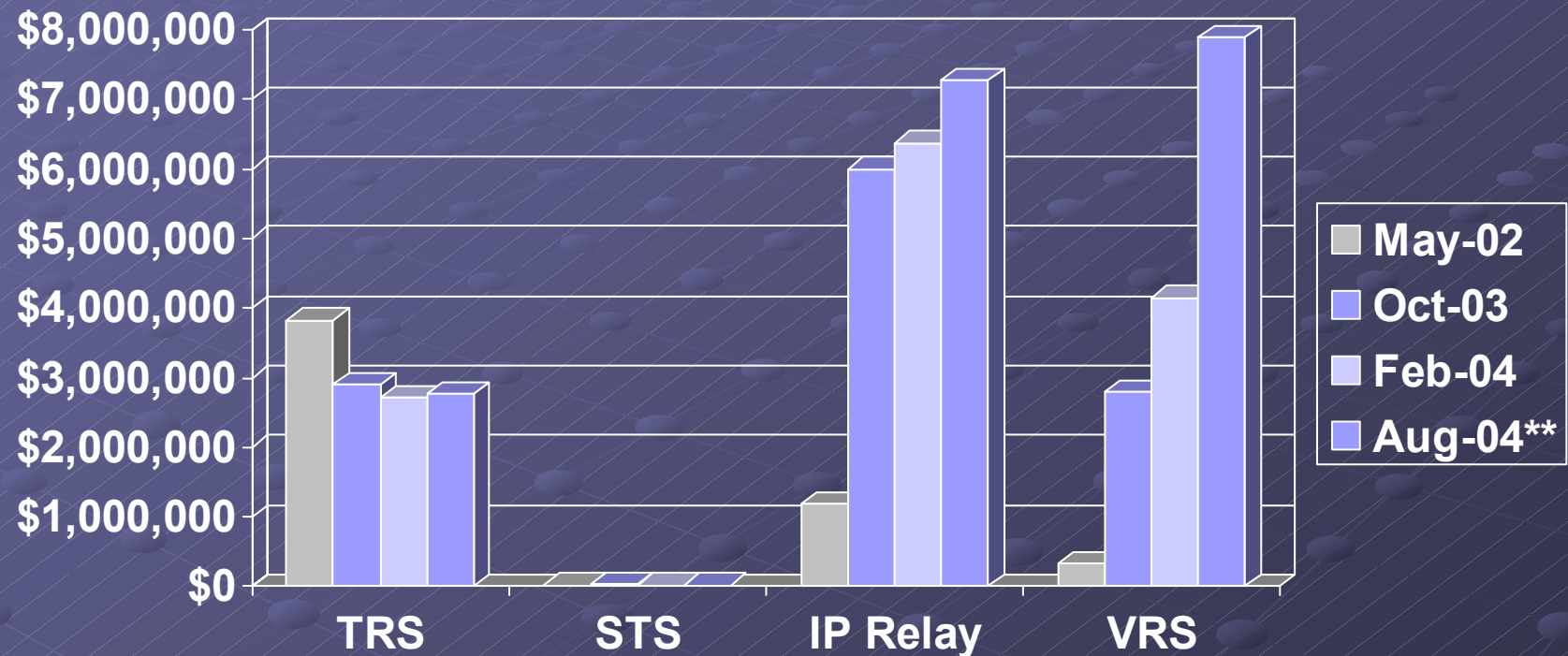


TRS Reimbursement Dollars Comparison



** includes Captioned Telephone VCO

Dollars Reimbursed from Interstate TRS Fund by Service Provided



Internet Protocol (IP) Relay

IP Relay

- Like traditional relay, only with one leg using a computer connected to the CA via the Internet
- No special software required
- Non-mandatory service
 - 24 hrs a day/7 days a week not required

IP Relay Waivers

- Permanent Waivers

- Carrier of choice (assuming users not charged for long distance)

- Waived until Jan. 1, 2008

- VCO (2-line VCO not waived)
- HCO (2-line HCO not waived)
- STS
- 1-900
- Call release / 3-way calling/ Speed dialing
- Emergency call handling

Video Relay Service (VRS)

VRS

● Video relay service (VRS)

A telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller.
47 CFR § 64.601(17)

VRI vs. VRS

- VRI (Video Remote Interpreting) – Interpreting service
 - Deaf and hearing clients in the same room
 - Interpreter in remote location
 - Cost at market rate for interpreting services
- VRS – TRS service
 - Deaf and hearing clients in **different** locations
 - Interpreter in remote location
 - No cost to user

VRS CAs must be qualified interpreters.

Qualified interpreter. An interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

47 CFR § 64.601(10)

VRS Waivers

- Waived until June 30, 2004 (originally waived per 12/31/01 Order for 2 yrs)
 - Emergency call handling
 - Speed of answer
 - Carrier of choice
 - Pay-per-call (1-900 calls)

More VRS Waivers

- Waived until Jan. 1, 2008
 - STS
 - Spanish-to-Spanish Relay
 - VCO
 - HCO
 - Call release / 3-way calling/ Speed dialing

VRS vs. “Community Interpreting”

- VRS is TRS
- Federally regulated vs. Code of Ethics
 - Penalties
 - Functional Equivalency vs. Communication Access
- No “prep time”/ pre-conferencing
- Stay in one place but still have variety
- Employee vs. independent contractor

VRS vs. “Community Interpreting” (continued)

- Nationwide consumer base (including regional signs/ vocabulary, rarely see the same consumer)
- 2D vs. 3D
- Computer/technical equipment
- More flexible dress code
- Less of a teaming environment
- Consumer interest in the call
- No “air interpreting”

History of VRS

- Texas trial in Jan. 1995 & Sept. 1996 (TX PUC, Sprint, SW Bell, & consumer groups)
- 1/14/97 Notice of Inquiry (NOI) **raised**:
 - Does ADA Title IV apply to VRI (Video Relay Interpreting) [*sic*]?
 - Is it technically feasible?
 - Are there enough qualified interpreters?
 - How should it be offered?
 - Are there add'l privacy/confidentiality concerns?
 - What are the costs?

History of VRS (continued)

● 5/28/98 Notice of Proposed Rulemaking (NPRM) proposed:

- ADA Title IV does apply to VRI [*sic*]
- Reimbursement (intrastate and interstate) from Interstate TRS Fund
- *Some* minimum standards be waived but may be applicable
- VRI [*sic*] be non-mandatory
- Adopt DOJ's definition of "qualified interpreter" & amend definition of CA

History of VRS (continued)

- 3/6/2000 Report & Order (R&O) **concluded**:
 - VRI [*sic*] is a form of TRS (non-mandatory, 24/7 not required)
 - Temporary reimbursement (interstate & intrastate calls) from Interstate TRS Fund
 - Must comply with mandatory minimum standards with some exceptions
 - New definition of CA includes **all** CAs
 - Requires VRI [*sic*] CAs be “qualified interpreters”
 - Must adhere to TRS confidentiality rules

History of VRS (continued)

- 6/5/00 Order on Reconsideration (Recon. Order) **amended & clarified:**
 - VRI changed to VRS (Video Relay Service)
 - VRI **not** reimbursable from Interstate TRS Fund
- 12/21/01 Memorandum Opinion & Order (MO&O) **stated** VRS waivers:
 - STS
 - Spanish-to-Spanish

History of VRS (continued)

- 6/17/03 Second R&O, Order on Recon., & NPRM (dealt mostly with “Traditional” TRS and IP Relay matters”
- 6/30/04 R&O, Order on Recon, & Further Notice of Proposed Rulemaking (FNPRM) **concluded & asked:**
 - VRS cost recovery- interim arrangement
 -

Further Notice of Proposed Rulemaking (FNPRM)

- Released June 30, 2004.
- ¶¶ 220-258 of the Order
- Comments due **10/18/04**
Reply Comments due **11/15/04**
- Docket number CG 03-123
- Primarily affects internet-based services, i.e., VRS and IP Relay

Issues Directly Affecting VRS CAs

- ¶ 245- Should VRS be mandatory?
 - Potential implications on the available labor pool of qualified interpreters?
 - Sufficient number of qualified interpreters available for hire to handle call volumes?
 - Interpreters' working conditions?
 - Increase in repetitive motion injuries?

Issues cont'd

- ¶ 245- Should VRS be required 24/7?
 - Interpreter labor shortage issue?

Issues cont'd

- ¶ 246- Should there be a Speed of Answer rule for VRS?
 - Are there enough interpreters available to ensure that providers could meet a particular speed of answer rule?

Issues cont'd

- ¶ 248- Should the “10 minute rule” not apply to VRS? Should there be a separate rule for the in-call replacement of VRS CAs?
 - During 1st 10 minutes of call the CA doesn't understand caller or vice versa

Issues cont'd

- ¶ 249- Should VRS CAs be permitted to ask questions to the VRS user during call set-up?
 - Gain understanding of nature of call
 - CA's role is to be a transparent conduit.
 - Not interfere with the VRS's users independence

Issues cont'd

● ¶ ¶ 255-258- Abuse of CAs

- Abuse directed at CA, abuse directed to called party for the purpose of hearing/seeing the CA relay the message, inappropriate conduct or language seen by VRS CA
 - Scope of problem?
 - Applicable existing laws?
 - FCC rules, section 225, First Amendment issues

Issues cont'd

¶ ¶ 255-258- Abuse of CAs cont'd

- CA as a transparent conduit relaying calls regardless of content
- Functional equivalency
- Anonymity due to Internet leg of the call
- Existing laws adequate?

Issues cont'd

¶¶ 255-258- Abuse of CAs cont'd

- Adopt TRS rules for curbing abusive calls?
- Who determines what calls can be refused/terminated?
- Suggestions for TRS providers, CAs, state TRS programs?
- Means of precluding or minimizing abusive, harassing, or obscene calls

Issues cont'd

- ¶ 258- Misc. Issues:
 - CA “idle time” (time spent waiting for a call)
 - Appropriate conduct?
- Confidentiality re: what’s seen on the CA’s computer screen
- Other issues re: appropriate behavior and language of VRS CAs?

VRS Petitions

- Declaratory Ruling on VRS Video Mail
- Reconsideration of TRS Requirements

VRS Video Mail

- Petitioner requests the Commission to authorize Video VRS Mail as a feature eligible for compensation from the Interstate TRS Fund.
- Video VRS Mail is a means by which hearing persons can have a VRS CA send a message in video format (ASL) to a deaf VRS user who is not available to answer the call, so that the VRS user can retrieve the video message at a later time.
- Comment period closed.

Reconsideration of TRS Requirements

- Petitioners request reconsideration of the June 30, 2004 Second Report & Order.
 - Authorize compensation from the Interstate TRS Fund for VRS between ASL users and individuals who speak Spanish
 - Eliminate the Speed of Answer waiver for VRS providers by January 1, 2005.

Reconsideration (con't)

- Permit VRS providers to immediately recover costs associated with the research and development of solutions for handling emergency calls.
- Comments due November 15, 2004.
- Reply Comments due November 30, 2004.

Filing a comment on ECFS Express

- Go to <http://gulfoss2.fcc.gov/ecfs/Upload/>
Scroll down and select
**Telecommunications Relay Service
Docket 03-123.** (Be careful not to select
98-67)
Scroll down and click "continue."
Fill out the required fields and type your
comment in the appropriate field.

Filing a comment

- For instructions on filing hardcopy comments: <http://www.fcc.gov/rules.html>
- For instructions on filing comments electronically: <http://www.fcc.gov/cgb/ecfs>
- You need to include a docket number on your filed comment. For the current FNPRM, reference Docket **CG 03-123**.

DROinfo

- To receive periodic e-mails from DRO on FCC disability related issues send an e-mail to subscribe@info.fcc.gov. Please include the word “subscribe” along with your first and last name in the body of the e-mail.
- To unsubscribe send an e-mail to the same address with the words “unsubscribe droinfo” in the body of the e-mail.

FCC Contact Information

Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Web site: www.fcc.gov

E-mail: fccinfo@fcc.gov

Disability Rights Office: www.fcc.gov/cgb/dro

Consumer Alerts & Factsheets:

www.fcc.gov/cgb/information_directory.html

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